

REMARKS

The Office Action mailed March 20, 2006 has been carefully considered. Claims 1, 16, 20-23 and 44 have been amended. Claims 3 and 4 have been canceled. Claims 1, 3-7, 11-14, 16-23, 35-40 and 42-44 are pending.

Claim 16 was rejected under 35 U.S.C § 112 as indefinite. Claim 16 has been amended to depend from claim 1.

The previously presented claims were rejected under 35 U.S.C. § 103 as obvious in view of U.S. Patent No. 5,440,961 to Lucas, Jr. et al. in view of Kaiser. Applicants submit that the teachings of these references do not teach or suggest the invention defined by the amended claims.

In contrast to the invention defined by the present claims, Lucas, Jr. et al. do not teach or suggest that the rails are formed of a material to provide attraction to plastic wrap received over the rail for attracting the plastic wrap and clinging the plastic wrap to the rail. Rather, as noted by the Examiner, Lucas Jr. et al. do not disclose or suggest a material which provides an attraction to the plastic wrap.

Kaiser et al. discloses a roll film dispenser which utilizes a switch-retractable serrated blade to cut film being dispensed. Severance of the film is accomplished by tearing the sheet over the serrated blade. Optionally, an acrylic sheet is used in conjunction with PVC-type films for providing a static cling or electrostatic attraction of the film to the acrylic material just before the blade. As noted in the Declaration of Paul Vegliante submitted herewith it has been found that the use of acrylic does not provide sufficient adhesion of the film to provide an attraction to plastic wrap received over the rails for clinging the plastic wrap to the rails before and after cutting of the plastic wrap by sliding the blade housing within the channel, as defined by the present claims. In contrast, Kaiser et al. use the frictional characteristic of acrylic to optionally hold the plastic wrap during tearing of a sheet with a serrated blade. However, Kaiser et al. do not teach or suggest a pair of rails formed of rubber, polyvinyl chloride comprising at least 10% plasticizer, silicon elastimer and combination thereof for attracting the plastic wrap to the rails before and after cutting.

The invention defined by the present claims teaches a rail providing cohesive cling properties which differs from a rail providing static cling attraction properties as taught by Kaiser et al. Applicants submit that it is known to one of ordinary skill in the art that cling properties provide a cohesive chemical bond which differs from a static cling attraction. Applicants submit that the materials of the present invention provide improved cling of the plastic wrap to the rail. Further, the use of static is uncontrollable and prone to discharge over time.

There is no teaching, suggestion or motivation in Kaiser et al. to select materials for forming a rail of polyvinyl chloride having at least 10% plasticizer having cling properties to plastic wrap received over the rail because Kaiser et al. teach the use of the application of static cling and it is only in hindsight that the Examiner can suggest that it would be obvious to select the materials of the present claims.

With regard to claim 6 and 7, the Examiner indicated that Boda teaches coextrusion is a process that is well known in the manufacturing of acrylic and other polymers. However, Boda does not teach or suggest coextrusion of a material of rubber, polyvinyl chloride having at least 10% plasticizer or silicon elastimer and a material of rigid PVC. The selection of the materials has the advantages of providing a material for a rail having cling properties and a material for a rail base having durability properties. There is no teaching or suggestion of these advantages in Boda.

Further, Urion et al. and Tsai do not teach or suggest coextrusion of a material of rubber, polyvinyl chloride having at least 10% plasticizer or silicon elastimer and a material of rigid PVC.

With regard to claim 12, Lucas, Jr. et al. do not teach or suggest that a bottom edge of an upper portion of a blade housing protrudes on either end from the blade and an end surface of the upper portion of the blade housing being rounded and inclined upwardly and from either end of the bottom edge. Rather, Lucas, Jr. et al. disclose a rotary blade cutter having a housing of a circular shape for enclosing the star shaped cutter. Further, Kaiser et al teach a serrated blade. As described on page 6, lines 12-17,

the sled shaped runner of the present invention acts in conjunction with the rails to keep the film from bunching up.

Accordingly, the invention defined by the present claims is not obvious in view of Lucas, Jr. et al. in combination with Kaiser et al. and withdrawal of this rejection is respectfully requested.

Dependent claim 18 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lucas, Jr. et al. and Kaiser et al. in view of U.S. Patent No. 3,277,760 to Keene et al.

Keene et al. teach an apparatus for severing a web. The lower portion of a shuttle is an elongated cylindrical member which may be tapered at either terminal portion to engage insert 46. Means are used to hold the film adjacent to surface 14. (Col. 2, lines 34-37).

In contrast to the invention defined by the present claims, Keene et al. do not teach or suggest at least one rail being formed of a material providing cling properties to the plastic wrap received over the rail for attracting the plastic wrap to the rail, the material by rubber polyvinylchloride comprising at least 10% plasticizer, silicon elastimer and combination thereof. To the contrary, Keene et al. use means such as rollers to hold the plastic wrap down. Accordingly, Keene et al. do not cure the deficiencies of Lucas, Jr. et al. and Kaiser et al. noted above since neither reference teaches or suggests a film cutter apparatus comprising rails including a material to provide cling properties to plastic wrap received over the rail for attracting the plastic wrap to the rail.

Applicants direct the Examiner to Applicants' remarks regarding the 35 U.S.C. § 103(a) of independent claim 1 upon which claims 18 and 19 are dependent from. Upon finding the allowance of independent claim 1, the rejection with respect to dependent claims 18 and 19 should be obviated and Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection upon finding claim 1 allowable.

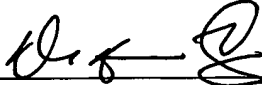
In view of the remarks and the amendments, further and favorable consideration of the present application and the allowance of all pending claims are respectfully

requested. The Examiner is also invited to contact the undersigned should the Examiner believe that such contact would expedite prosecution of the present application.

It is believed that no fee is required in connection with the filing of the present Amendment. However, if any fee is required, the Commissioner is authorized to charge any such fees or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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